

## CHAPTER CXVI.

[ H. B. No. 428. ]

## PROVIDING FOR A STATE WAGON ROAD.

AN ACT providing for the survey and establishment of a state road, creating a commission, defining their duties and making an appropriation therefor, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

North Yakima  
and Natchez  
state road.

SECTION 1. That there be laid out, established and constructed by the state, and maintained by the counties as herein provided, a wagon road, beginning at a point on the west side of section nine (9), township nineteen (19) north, range seven (7) east W. M., in King county, Washington, where the county road intersects said west line, thence up the White river valley to the mouth of Greenwater river, thence up the White river to mouth of Silver creek, thence up Silver creek to summit of Cascade mountains, thence down east side of Cascade mountains to the American river, thence down American river to where it empties into the Bumpkin river, thence down Bumpkin river to Natchez river to west end of county road running from North Yakima up Natchez river.

Board of com-  
missioners,  
how consti-  
tuted.

SEC. 2. That a commission is hereby created, consisting of three members, composed of the chairmen of the boards of county commissioners of the counties of King, Pierce and Yakima, said board to be known as a board of state road commissioners: *Provided*, That [if] the chairman of the board of county commissioners of any county would be unable to attend to the duties, he may select one of the commissioners to act as said state road commissioner.

SEC. 3. The commissioners provided for in section two (2) of this act shall act as a state board of road commissioners until said road, as mentioned in section one (1) of this act, is completed or appropriation made by this act is exhausted. Should a vacancy occur in this commission by death, resignation or otherwise, the position shall be filled by the next chairman in said board of county commissioners in the county where such vacancy may occur.

SEC. 4. That each of the commissioners provided for in

this act shall take and subscribe an oath or affirmation before some person authorized by law to administer the same, to faithfully and impartially discharge the duties of his office as said commissioner. Oath commis-  
sioners.

SEC. 5. Each of said commissioners shall execute a bond unto the State of Washington in the sum of one (1) thousand dollars, to be approved by the governor, conditioned for the faithful performance of his duty as a member of the board of state road commissioners, which bond shall be filed with the secretary of state. Bond.

SEC. 6. The commissioners shall, as soon as practicable, employ a competent engineer to survey said route, as mentioned in section one (1) of this act, who shall report to said board of commissioners the result of his labors, and shall file with them a complete map of the route so surveyed. If report to said commissioners be satisfactory, said commissioners shall proceed to lay out and determine the width of said road. The report of said engineer shall be endorsed by the said commission and forwarded to the governor, and if approved by him, the route shall be considered as a laid out and established road. Survey of  
route.

SEC. 7. That said board of commissioners shall be vested, for the purpose of establishing said road, with all the powers vested by law in the boards of county commissioners of the several counties. The viewers generally relating to the control and management of county roads shall proceed as nearly as may be practicable in conformity to the laws providing for the establishment of county roads: *Provided*, That the viewers provided for in this act shall consist of the surveyor and two other persons, either axemen or chainmen, employed by said state board, who shall subscribe to the same oaths as provided by law for viewers of county roads. Same powers  
as county com-  
missioners.

SEC. 8. That said commission is hereby empowered to take deeds of right-of-way in the name of the state, and to cause them to be filed with and recorded by the auditors of the proper counties, where said deeds can be obtained without expense to the state other than may be necessary for the drawing up of the same. When deeds of right-of-way cannot be so obtained, said commission is hereby em- Right-of-way.

powered to cause the right-of-way for said wagon road to be condemned and appropriated by the state in the same manner as may be provided by law for the condemnation and appropriation of real estate for county or public roads.

\$10,000 appropriated.

SEC. 9. For the purpose of carrying into effect the provisions of this act for the establishment and construction of said state wagon road, there is hereby appropriated from funds in the state treasury not otherwise appropriated the sum of ten (10) thousand dollars, or as much as may be necessary.

Compensation of commissioners.

SEC. 10. Each member of said board of commissioners shall receive in addition to his pay as county commissioner the sum of one (1) dollar per day and actual traveling expenses for each and every day employed in the discharge of his duties as said commissioner. The board of commissioners shall examine and allow all bills incurred by them in the discharge of their duties provided for in this act and present their vouchers to the state auditor, who is authorized to audit said bills, and if found correct, shall draw his warrant on the state treasurer for the several amounts so allowed, and the state treasurer is hereby authorized to pay said warrants out of any money in the state treasury appropriated for this purpose: *Provided*, That no expense shall be incurred for the payment of which no appropriation shall have been made.

Documents of board filed with state auditor.

SEC. 11. All records, papers and documents relating to the establishment of such state road, together with a full and complete report of all transactions and proceedings and an itemized account of all expenses incurred in connection therewith, shall be filed in the office of the state auditor, and a complete and accurate plat and description of route of said road shall also be filed in the auditor's office of each of the several counties within whose boundaries portions of the road extend.

County commissioners to keep in repair.

SEC. 12. After the completion of said road, and when the term of office of said state road commission shall have expired, it shall be the duty of the board of county commissioners, respectively, of the counties in which said road extends, to keep such portion of the road in repair in like manner as though the same were a county road. The said

board of state road commissioners, after deducting the cost of said survey, shall expend one-half of [the] money remaining in said appropriation from the mouth of Greenwater river to the summit of Cascade mountains, and the other half from the summit of Cascade mountains to the west end of county road from Yakima up Natchez river.

SEC. 13. That all instruments, camp equipage, materials, tools and supplies now belonging to the State of Washington, and accounted for by previous state road commissions, if not in use upon other state roads, shall be turned over to the commission created by this act and shall be subject to the order of said commission, and by it shall be accounted for to the state when this appropriation is expended.

Outfit of previous road commissions available.

SEC. 14. An emergency exists, and this act shall take effect immediately.

Passed the House March 8, 1897.

Passed the Senate March 11, 1897.

Approved by the Governor March 18, 1897.

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## CHAPTER CXVII.

[S. B. No. 209.]

### RELATING TO ARID LANDS.

AN ACT to amend an act entitled an act accepting the terms of the act of congress, approved August 18, 1894, providing for the reclamation, settlement and disposition of the one million acres of arid land granted therein, making appropriation therefor, and declaring an emergency, approved March 22nd, 1895, and providing further for carrying into effect said grant.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 3 of chapter 166 of the Session Laws of 1895 is hereby amended to read as follows: Sec. 3. It shall be the duty of the commissioner of irrigation to examine, or cause to be examined, such of the arid lands within the state belonging to the public domain, that can, with an ex-

Duty commissioner of irrigation.